

June 11, 2003

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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Seattle, Washington 98164  
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**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: King County Department of Transportation File No. **V-2459**  
Proposed Ordinance No. **2003-0184**

**DOCKTON WATER ASSOCIATION**  
Road Vacation Petition

Location: Portion of Park Road & Maple Road (aka 94<sup>th</sup> Avenue SW) near the town of Dockton

Petitioner: **Dockton Water Association**  
c/o Ray Bucy  
9710 Southwest Windmill Street  
Vashon, WA 98070  
Telephone: (206) 463-6345

King County: Department of Transportation,  
Road Services Division, *represented by*  
**Jodi Simmons**  
201 S. Jackson St.  
Seattle, WA 98104-3856  
Telephone: (206) 296-3731  
Facsimile: (206) 296-0567

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:  
Department's Final:  
Examiner:

Approve road vacation  
Approve road vacation  
Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item no. V-2459 was received by the Examiner on May 5, 2003.

PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item no. V-2459 was opened by the Examiner at 2:32 p.m. on June 4, 2003, in the Union Bank of California fifth-floor conference room, 900 4th Avenue, Seattle, WA, and closed at 2:35 p.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

## 1. General Information:

Road name and location:	Portion of Park Road and Maple Road (aka 94th Avenue Southwest) near the town of Dockton
Right of way classification:	"C"
Area:	17,641.8 square feet
Compensation:	\$3,568.04

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the June 4, 2003, public hearing and the statement of facts contained in Proposed Ordinance No. 2003-0184. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.
4. Vacation of the subject right-of-way would have no adverse effect on the provision of fire and emergency services to the subject property or surrounding area.

CONCLUSIONS:

1. The road subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation.
2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.

3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2003-0184 to vacate the subject road.

RECOMMENDED this 11th day of June, 2003.

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Stafford L. Smith  
King County Hearing Examiner

TRANSMITTED this 11th day of June, 2003, to the following parties and interested persons:

Terry Davis  
Dockton Water Association  
Judy Emerick  
Kitty Ogg  
Jodi Simmons  
Greg Borba  
Curt Crawford  
Neil DeGoojer  
Pam Elardo

Nancy Gordon  
Dennis Gorley  
David Gualtieri  
Roderick E. Matsuno  
Paulette Norman  
Lydia Reynolds-Jones  
Gary Samek  
Charlie Sundberg  
Caroline Thompson

NOTICE OF RIGHT TO APPEAL  
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) *on or before* **June 25, 2003**. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before* **July 2, 2003**.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3<sup>rd</sup> Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of

this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty-one (21) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

#### MINUTES OF THE JUNE 4, 2003 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. V-2459

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing was Jodi Simmons, representing the Department.

The following exhibits were offered and entered into the record:

- |                |   |
|----------------|---|
| Exhibit No. 1  | DOT report to the Hearing Examiner dated June 4, 2003, with 16 attachments  |
| Exhibit No. 2  | Petition transmittal letter dated 8/14/02 from Clerk of the Council to Dept. of Transportation  |
| Exhibit No. 3  | Letter of explanation (dated 8/04/02) and Petition for Vacation of a County Road including legal descriptions of Petitioner's properties        |
| Exhibit No. 4  | 09/09/02 letter to petitioner explaining process and identifying errors in the legal description  |
| Exhibit No. 5  | Revised petition providing corrected legal and signature for Vacation of a County Road, received. 09/16/2002                                    |
| Exhibit No. 6  | Copy of Filing Fee - Check #4793 from Dockton Water Association   |
| Exhibit No. 7  | Vicinity Map  |
| Exhibit No. 8  | Map depicting vacation area   |
| Exhibit No. 9  | 01/31/03 transmittal letter to Council providing recommendation of KCDOT and County Road Engineer   |
| Exhibit No. 10 | Letter dated 01/30/03 to Dockton Water Association identifying amount of compensation with attached Road Vacation Compensation Worksheet V-2459 |
| Exhibit No. 11 | Copy of Compensation – Check #4864 from Dockton Water Association   |
| Exhibit No. 12 | Ordinance transmittal letter 04/14/03 from King County Executive to Councilmember Cynthia Sullivan  |
| Exhibit No. 13 | Proposed Ordinance 2003-0184  |
| Exhibit No. 14 | Notice of hearing from Council Clerk dated 5/02/03  |
| Exhibit No. 15 | Affidavit of May 2, 2003 posting for hearing  |
| Exhibit No. 16 | Affidavit of Publication for hearing ( <i>to be submitted post-hearing upon receipt</i> )   |

SLS:ms  
V-2459 RPT

Attachments